

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
BOSTON & MAINE CORPORATION, ET AL.,	)	
	)	
Plaintiffs,	)	
v.	)	Case No.: 04-12069-MLW
	)	
TOWN OF CHELMSFORD, ET AL.,	)	
	)	
Defendants.	)	
_____	)	
BOSTON & MAINE CORPORATION,	)	
	)	
Plaintiffs,	)	
v.	)	Case No.: 05-10806-MLW
	)	
TOWN OF WESTFORD,, ET AL.,	)	
	)	
Defendants.	)	
_____	)	
BOSTON & MAINE CORPORATION,	)	
	)	
Plaintiffs,	)	
v.	)	Case No.: 05-10820-MLW
	)	
TOWN OF ANDOVER, ET AL.,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF APPEARANCE**

The undersigned Assistant Attorney General has been involved in this case since on or about May 16, 2006. On that date, the undersigned served Notice of Appearance for all State Defendants upon all Parties to this action and upon the Court by mail. *See Exhibit A ( electronic version) attached hereto and made a part hereof.* Through oversight, the Notice of Appearance was not served using the Court's ECF system. On that same date, former Assistant Attorney

General Nora J. Chorover served Notice of Withdrawal of Appearance for all State Defendants upon all Parties to this action and upon the Court by mail, but her Notice of Withdrawal also was not filed using the Court's ECF system. *See Exhibit B (electronic version) attached hereto and made a part hereof.*

The undersigned now formally files Notice of Appearance for all State Defendants in all three of these cases, which have been consolidated by the Court.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS  
THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ Frederick D. Augenstern

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Frederick D. Augenstern (BB0 # 553102)  
Assistant Attorney General  
Environmental Protection Division  
1 Ashburton Place, 18th Floor  
Boston, MA 02108  
(617) 727-2200 x. 2427

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Notice of Appearance with Exhibits was filed this 17th day of August, 2006 using this Court's Electronic Filing (ECF) System and e-was mailed as well to:

For the Plaintiffs:

Robert B. Culliford, Esq.  
rculliford@flypanam.com

Katherine E. Potter, Esq.  
kpotter@sandw.com

Eric L. Hirschhorn, Esq.  
ehirschhorn@winston.com

For the Chelmsford and Andover Defendants:

Jocelyn M. Sedney, Esq.  
jsedney@bhpklaw.com

For the Westford Defendants:

Joseph L. Tehan, Jr., Esq.  
jtehan@k-plaw.com

/s/ Frederick D. Augenstern

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Frederick D. Augenstern, Esq.  
Assistant Attorney General

**EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BOSTON & MAINE CORP., et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.: 04-12069
	)	
TOWN OF CHELMSFORD, et al.,	)	
	)	
Defendants.	)	
	)	
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BOSTON & MAINE CORP., et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.: 05-10805
	)	
TOWN OF WESTFORD, et al.,	)	
	)	
Defendants.	)	
	)	
<hr/>		
BOSTON & MAINE CORP., et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.: 05-10820
	)	
TOWN OF ANDOVER, et al.,	)	
	)	
Defendants.	)	
	)	

**NOTICE OF APPEARANCE**

Please take notice of the appearance of Frederick D. Augenstern as co-counsel for the State Defendants in this case.

Respectfully submitted,  
COMMONWEALTH OF MASSACHUSETTS  
By its attorneys,

/s/ Frederick d. Augenstern

Dated: May 16, 2006

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Frederick D. Augenstern, BBO#553102  
Assistant Attorney General  
Environmental Protection Division  
One Ashburton Place, Rm. 1813  
Boston, Massachusetts 02108  
(617)727-2200, ext. 2427

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of Appearance was sent by first class mail on May 16, 2006, to:

Robert B. Culliford, Esq.  
Alexandra Schmit  
Boston & Maine Corporation  
Springfield Terminal Railway Company  
Iron Horse Park  
No. Billerica, MA 01862

Eric L. Hirschhorn  
Winston & Strawn LLP  
1400 L Street, N.W.  
Washington, DC 20005

Joseph L. Tehan, Jr.  
Kopelman & Paige, P.C.  
31 St. James Ave.  
Boston, MA 02116

Jocelyn Sedney  
Brody, Hardoon, Perkins & Kesten  
One Exeter Plaza, 12th Floor  
Boston, Massachusetts 02116

Susan Ruch  
Department of Environmental Protection  
205B Lowell Street  
Wilmington, MA 01887

/s/ Frederick D. Augenstern

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**EXHIBIT B**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BOSTON & MAINE CORP., et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.: 04-12069
	)	
TOWN OF CHELMSFORD, et al.,	)	
	)	
Defendants.	)	
	)	
<hr/>		
BOSTON & MAINE CORP., et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.: 05-10805
	)	
TOWN OF WESTFORD, et al.,	)	
	)	
Defendants.	)	
	)	
<hr/>		
BOSTON & MAINE CORP., et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.: 05-10820
	)	
TOWN OF ANDOVER, et al.,	)	
	)	
Defendants.	)	
	)	

**NOTICE OF WITHDRAWAL OF APPEARANCE**

Pursuant to Local Rule 83.5.2(c) of the Rules of this Court, Nora J. Chorover provides notice of her withdrawal as counsel for state defendants Massachusetts Department of Environmental Protection and Robert W. Golledge, Jr. Ms. Chorover will leave the employ of the Attorney General's office as of May 5, 2006. This notice is accompanied by the appearance

of successor counsel; no motions are now pending before the Court, no trial date has been set; and proof of service of this notice of withdrawal on all parties is attached hereto.

Respectfully submitted,  
COMMONWEALTH OF MASSACHUSETTS  
By its attorneys,

/s/ Nora J. Chorover

Dated: 5/16/06

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Nora J. Chorover, BBO #547352  
Environmental Protection Division  
One Ashburton Place, 18<sup>th</sup> Floor  
Boston, MA 02108  
(617) 727-2200



CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of Withdrawal of Appearance was sent by first class mail on May 16, 2006 to:

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Wilmington, MA 01887

/s/ Frederick D. Augenstern

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Frederick D. Augenstern  
Assistant Attorney General